

ORDINANCE NO. 07-96

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A TOTAL LOT COVERAGE OF 54.5%, WHERE A MAXIMUM LOT COVERAGE OF 50% IS REQUIRED, AND ALLOW A PERVIOUS AREA OF 25.6%, WHERE A MINIMUM OF 30% PERVIOUS AREA IS REQUIRED, AND ALLOW AN EXISTING REAR SETBACK OF 19.83 FEET, WHERE AT LEAST 20 FEET ARE REQUIRED, CONTRA TO HIALEAH CODE §§ 98-690 AND 98-689, AND LAND DEVELOPMENT CODE REGULATION 3-5(h). **PROPERTY LOCATED AT 6315 WEST 16 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of October 10, 2007 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow a total lot coverage of 54.5%, where a maximum lot coverage of 40% is required, and allow a pervious area of 25.6%, where a minimum of 30% pervious area is required, and allow an existing rear setback of 19.83 feet, where at least 20 feet are required, contra to Hialeah Code §§ 98-690 and 98-689 and Land Development Code Regulation 3-5(h), which provide in pertinent part: "The maximum lot coverage for each individual lot is 50 percent.", "The rear setback shall be a minimum of 20 feet." and "For aquifer recharge,

low density residential uses shall have a minimum of 30 percent of the lot area as pervious," respectively. Property located at 6315 West 16 Avenue, Hialeah, Miami-Dade County, Florida, zoned R-3 (Multiple Family District) developed as a townhouse, and legally described as follows:

THE WEST 115 FEET OF THE SOUTH 19 FEET OF
THE NORTH 1,181 FEET OF TRACT C, FIRST
ADDITION TO WESTHAVEN HEIGHTS, ACCORDING
TO THE PLAT THEREOF, AS RECORDED IN PLAT
BOOK 65, PAGE 42, OF THE PUBLIC RECORDS OF
MIAMI-DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

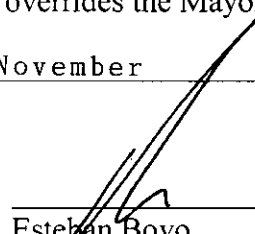
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

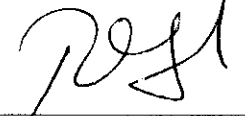
PASSED and ADOPTED this 13th day of November, 2007.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 186.041
PRIOR TO FINAL READING.



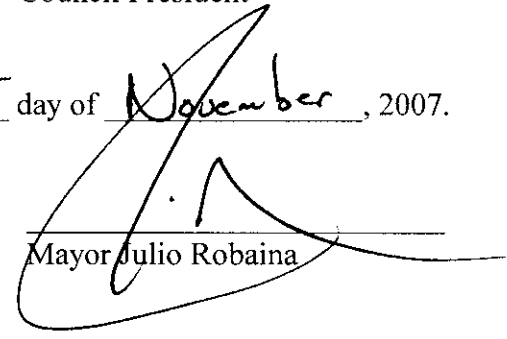
Esteban Bovo
Council President

Attest:



Rafael E. Granado, City Clerk

Approved on this 15 day of November, 2007.



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Ordinance was adopted by a 6-0-1 vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Gonzalez, Hernandez, and Yedra voting "Yes" and Councilmember Miel absent.